

SENATE BILL REPORT

SB 6451

As Reported by Senate Committee On:
Government Operations & Elections, January 28, 2010

Title: An act relating to installation of residential fire sprinkler systems.

Brief Description: Concerning the installation of residential fire sprinkler systems.

Sponsors: Senators Kauffman and Kohl-Welles.

Brief History:

Committee Activity: Government Operations & Elections: 1/28/10 [DPS].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Majority Report: That Substitute Senate Bill No. 6451 be substituted therefor, and the substitute bill do pass.

Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach, Ranking Minority Member; McDermott and Pridemore.

Staff: Edward Redmond (786-7471)

Background: The Department of Health (DOH) is responsible for adopting water use efficiency requirements for all municipal water suppliers. The requirements, which are adopted in the form of administrative rules, must be tailored to accommodate differing system sizes, forecasted system demands, and system supply characteristics. In adopting the administrative rules, the DOH must satisfy numerous requirements, including developing water distribution system leakage standards. Such standards are utilized to ensure that municipal water suppliers are taking appropriate steps to reduce water system leakage rates or are maintaining their water systems in a condition that results in leakage rates which comply with efficiency requirements.

Counties, cities, and towns that plan under the major provisions of the Growth Management Act are authorized to impose impact fees on development activity as part of the financing for public facilities. Impact fees are payments of money required from developers as a condition of development approval. Public facilities that may receive funding from impact fees are limited to specified types of capital facilities owned or operated by government entities. Such facilities are limited to public streets and roads; publicly owned parks, open space, and

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

recreation facilities; school facilities; and fire protection facilities in jurisdictions that are not part of a fire district.

Professional installers of fire protection sprinkler systems must be certified and licensed. All receipts from certificate of competency fees and licenses; and monies generated from associated charges, rules, and regulations, are deposited into the Fire Protection Contractor License Fund (Fund). Expenditures from the Fund may be used only for authorized fire protection and enforcement purposes. This includes identifying and providing assistance related to sprinkler system components that have been subject to a recall or voluntary replacement program. Only the State Director or the Director's designee may authorize expenditures from the Fund.

Summary of Bill (Recommended Substitute): Expenditures from the Fund may be used to develop and publish educational materials related to the effectiveness of residential fire sprinklers. A person installing a residential sprinkler system in a single-family home is not required to pay the fire operations portion of the impact fee. The exempt fire operations impact fee does not include the proportionate share related to the delivery of emergency medical services.

Public water systems are not liable for damages resulting from shutting off water to a residential home with an installed fire sprinkler system if the shut-off is due to routine maintenance, non-payment by the customer, or water system emergencies.

EFFECT OF CHANGES MADE BY GOVERNMENT OPERATIONS & ELECTIONS COMMITTEE (Recommended Substitute): Removes the additional water use efficiency requirement stipulating that water distribution system leakage standards must include estimated additional metering losses due to meter upsizing. Water system emergencies is added as an additional immunity from liability to damages occurring as a result of water shut off. A technical amendment is made to move the new immunity section from RCW 80.28, concerning Gas, Electrical, and Water companies, to RCW 70.119A which specifically relates to public water systems.

Appropriation: None.

Fiscal Note: Requested on January 22, 2010.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill: PRO: The bill would eliminate barriers to voluntary installation of residential fire systems, save lives, and save property. The largest barrier to fire sprinkler installation is the lack of education. Senator Pridemore's amendment clarifies that rulemaking is not necessary because the agency has done guidance and clarified some of the liability issues. All of the stakeholders have agreed to this amendment. A community in California passed an ordinance in 1988 that permitted fire sprinklers in residential homes. Today there are more than 20,000 residents with fire

sprinklers installed; that's over 20,000 lives being protected including emergency response workers.

Persons Testifying: PRO: Senator Kauffman, prime sponsor; Bill Clarke, Washington Public Utility District Association; Paul O'Connor, Fire Sprinkler's Advisory Board of Puget Sound; Robert Bradley, Washington State Association of Fire Marshalls; Stan Bouman, American Institute of Architects Washington Council.